

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PAUL CASTONGUAY, SR.,	)	CASE NO. 8:09CV225
	)	
Plaintiff,	)	
	)	
v.	)	MEMORANDUM
	)	AND ORDER
DOUGLAS COUNTY CORRECTION	)	
CENTER,	)	
	)	
Defendant.	)	

This matter is before the court on its own motion. On September 2, 2009, the court conducted an initial review, finding that Plaintiff's Complaint failed to state a claim upon which relief may be granted. (Filing No. [10](#).) However, the court granted Plaintiff until October 2, 2009, to file an amended complaint. (*Id.*) In particular, the court required Plaintiff to adequately plead, in accordance with the standard set forth in *Jane Doe A v. Special Sch. Dist. of St. Louis County*, 901 F.2d 642, 645 (8th Cir. 1990), that Defendant had an official policy or custom that violated his rights. (Filing No. [10](#) at CM/ECF pp. 3-4.)

On September 8, 2009, Plaintiff filed a Letter which the court construes as an Amended Complaint. (Filing No. [13](#).) As with his original Complaint, Plaintiff's Amended Complaint fails to allege sufficient facts to state a claim upon which relief may be granted against Defendant under the *Jane Doe* standard. For these reasons, and for the reasons set forth in the court's October 2, 2009 Memorandum and Order, this matter is dismissed.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice for failure to state a claim upon which relief may be granted; and

2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 3<sup>rd</sup> day of November, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge

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